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8 District and School District Defendants

9
10 UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF WASHINGTON
12

13 I.V., a minor child; and APRIL OLIVARES
14 and FERNANDO OLIVARES VARGAS,
15 parents of I.V.,

16 Plaintiffs,

17 vs.

18 Y.A.F., a minor child, MARIA M. PEREZ
19 FLORES, as guardian of Y.A.F.,
20 WENATCHEE SCHOOL DISTRICT NO.
21 246, a political subdivision; TAUNYA
22 BROWN, individually and in her capacity
23 as an official of Orchard Middle School
24 and/or Wenatchee School District;
25 JEREMY WHEATLEY, individually and in
26 his capacity as an official of Orchard
27 Middle School and/or Wenatchee School
28 District; RONDA BRENDER individually
29 and in her capacity as an official of Orchard
30 Middle School and/or Wenatchee School
District,

Defendants.

Case No. 2:17-cv-00118-TOR

STIPULATED MOTION TO
DISMISS NEGLIGENCE
CLAIMS AGAINST
INDIVIDUALLY-NAMED
WENATCHEE SCHOOL
DISTRICT DEFENDANTS

Note on Motion Calendar:

**Date: April 12, 2018 at 6:30
p.m.**

Without Oral Argument

1
2 COME NOW THE PARTIES, by and through their undersigned counsel,
3 and submit the following stipulated motion.
4

5 **I. STIPULATION**
6

7 IT IS HEREBY STIPULATED BY THE PARTIES, THROUGH THEIR
8 ATTORNEYS, that:

9 1. Plaintiffs' negligence claim (ECF 1, pg. 18, "Third Cause of Action:
10 Negligence") may be dismissed, without prejudice, against Defendants Taunya
11 Brown, Jeremy Wheatley, Ronda Brender, Kelli Ottley and Ellen McIrvin. This
12 stipulation does not affect any of Plaintiffs' other claims against any other named
13 defendant.
14

15 2. With the dismissal of the negligence claim against Defendants
16 Taunya Brown, Jeremy Wheatley, Ronda Brender, Kelli Ottley and Ellen
17 McIrvin, there are no claims remaining against these defendants, and as such, the
18 caption should be amended to remove these defendants from the caption.
19

20 **II. MOTION**
21

22 Based upon the foregoing stipulation, the parties respectfully request that
23 the Court enter an order:
24

25 1. Dismissing the negligence claim against Defendants Taunya Brown,
26 Jeremy Wheatley, Ronda Brender, Kelli Ottley and Ellen McIrvin without
27 prejudice; and
28
29

1 2. Amending the caption to remove the dismissed defendants from the
2 caption.
3

4 Dated this 13th day of March, 2018.
5

6 EVANS, CRAVEN & LACKIE, P.S.
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8 By: s/ Michael E. McFarland, Jr.
9 MICHAEL E. McFARLAND, JR., WSBA #23000
10 SEAN E. HARKINS, WSBA #51113
11 Attorneys for Defendant Wenatchee School District

12 VOLYN LAW FIRM
13

14 By: s/ Scott A. Volyn
15 SCOTT A. VOLYN, WSBA #21829
16 Attorney for Plaintiffs
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CERTIFICATE OF SERVICE

I hereby certify that on March 13, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

Scott A. Volyn
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